

SOPC00128



TENNESSEE DEPARTMENT OF AGRICULTURE
Water Resources Program

December 6, 2011

Ms. Erin O'Brien
TDEC
L&C Annex, 6th Floor
Nashville, Tennessee 37243

Dear Ms. O'Brien:

I am writing to inform you that the Tennessee Department of Agriculture (TDA) has reviewed the application for CAFO permit transfer (upon close of sale) for Mr. Mike Henry (previous NPDES Permit NO. SOPC00128). It is anticipated that the sale will close in February 2012.

I am enclosing a copy of everything that Mr. and Mrs. Henry submitted to us. It includes an agreement letter regarding the pending sale between the Morrison's and Henry's, a revised Notice of Intent (NOI) form signed by Mr. Henry, an ortho map, a copy of the CAFO permit issued to the Morrison's in October 2011, the original NOI signed by Mr. Morrison, an Annual Report, litter analysis, and page 1 of the Nutrient Management Plan submitted by the Morrison's. I have enclosed the stamped Approval Stamp form for your review and final approval as well. Mr. Henry will notify the Tennessee Department of Environment and Conservation (TDEC) upon closing. Please let me know if you need anything else.

Sincerely,

A handwritten signature in black ink, appearing to read "Angela L. Warden".

Angela L. Warden
CAFO Specialist

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DEC 08 2011

TN DIVISION OF WATER
Pollution Control

: //enclosures

cc:// Mr. Mike Henry, future owner
Mr. Anthony Morrison, current owner of A & L Farm

Ellington Agricultural Center
440 Hogan Road
Nashville, TN 37220
Telephone: 615-837-5492 Fax: 615-837-5025

12/5/11
Marion Co TN

Mike Henry
Whitwell, TN

Nutrient Management Plan Requirements

Mike & Patty Henry

The following 9 items need to be submitted at the time the permit is applied for. Additional record-keeping items as outlined in the CAFO rules are also considered part of the nutrient management plan and must be kept on-site. More information on each item can be found in the CAFO rule (1200-4-5-.14).

- Original submitted to Marion Co TN
- ☒ 1. **Two maps:** (1.) A map of your farm showing location of any animal barns/houses, compost bins, litter storage bins, manure lagoons/holding ponds, nearby roads, fields to which litter/manure will be applied, and non-application buffer areas around any bodies of water (streams, creeks, rivers, ponds, wells, sinkholes, springs, wetlands, etc.). A hand-drawn map is acceptable and even preferred. (2.) A topographic map of the farm (1:24000 scale, showing 1-mile radius from farm) showing property lines.
 - ☒ 2. **Nutrient budget** – this is basically a balance sheet of all manure produced on the farm and all manure spread on the farm or removed from the farm. Application rates for all fields should be based on crop needs, realistic crop yield expectations, and actual manure analyses of nutrient content.
 - ☒ 3. **Soil test results** for phosphorus and potassium for each application field. These must be taken at a minimum of every five years.
 - ☒ 4. Results of **manure analysis** from within the past year. Annual manure testing is a requirement for all CAFOs. These results must be included with initial permit application if the farm is in operation. If the farm that is applying for the permit is new and not yet operating, then manure testing results need to be obtained once operation begins. At that point, the manure test results and revised application rates need to be submitted to TDA. Manure test results in subsequent years need to be kept as part of your record-keeping activities.
 - ☒ 5. Results of the **Phosphorus Index** applied to each field that has a soil test P value of "High" or "Very High". In those situations, this tool will determine whether your application rates will be based on nitrogen or phosphorus.
 - ☒ 6. Statement regarding method of **dead animal disposal**.
 - ☒ 7. **Closure Plan** to be implemented in the event animal production ceases on the site.

These last two items are only required for medium-size CAFOs that manage **liquid manure**.

- Original submitted to Marion Co TN
- ☒ 8. Documentation of **design of liquid waste handling system**. This should include, but is not limited to: volume for solids accumulation, design treatment volume, total design volume, the approximate number of days of storage capacity, pumping and routing of wastes, and any solid separation process. Ideally, this documentation would consist of the pertinent engineering drawings with accompanying descriptive narrative.
 - ☒ 9. The construction, modification, repair, or installation of any portion of a CAFO liquid waste handling system (such as earthen holding pond, treatment lagoon, pit, sump or other earthen storage/containment structure) after April 13, 2006 must be preceded by a thorough **subsurface investigation**. This investigation will include a detailed soils investigation with special attention to the water table depth and seepage potential.

In addition to the items above, the following form(s) must accompany your application:

- Proposed
- ☒ **Notice of Intent form** must be submitted with all applications from Class II (Medium) CAFOs
 - OR
 - ☒ **EPA Forms 1 and 2B** must be submitted with all applications from Class I (Large) CAFOs.
 - ☒ **Addendum to Nutrient Management Plan**.

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DEC 13 2011

12/13/2011

December 1, 2011

Angela,

The farm and permit(s) being referenced are being sold to Michael and Patricia Henry from Anthony and Lisa Morrison. The tentative settlement date is February 2012. The farm is currently owned and operated by the Morrison's who reside at the farm location. Once settlement is complete, the Henry's will reside at the farm location and be the owner/operators.

I have included the completed NOI form for transferring the permits. I have also included copies of existing permits.

Mike Henry

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DEC 8 2011

THE UNIVERSITY OF TEXAS
AT AUSTIN

DEC 8 2011

November 22, 2011

This letter is to document an agreement between Anthony and Lisa Morrison (sellers) and Mike and Patty Henry (buyers) on the sale of real property including an active poultry farm located at 275 Vandergriff Rd Whitwell, TN 37397 Marion County.

Included in the sale is 67 acres, three 40'x500' broiler houses contracted with Koch Foods, Inc., house, workshop, and litter shed. Also included is all necessary equipment to operate the farm.

It is the goal of the sellers and buyers to have final settlement in February 2012.

Upon final settlement it would be the buyers desire to have the current SOPC00128 permit be transferred to them.

By signing below, the sellers and buyers agree to the terms stated above regarding the sale of the property described.

Anthony Morrison
Seller

11-22-11
Date

Lisa Morrison
Seller

11-22-11
Date

Mike Henry
Buyer

12/1/11
Date

Patty Henry
Buyer

12/1/11
Date

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DEC 03 2011

THE OFFICE OF THE CLERK



Tennessee Department of Environment and Conservation,
Division of Water Pollution Control
401 Church Street, 6th Floor L & C Annex, Nashville, TN 37243
(615) 532-0625
**CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)
STATE OPERATING PERMIT (SOP)
NOTICE OF INTENT (NOI)**

Type of permit you are requesting: ☐ SOPCD0000 (designed to discharge) ☐ SOPC00000 (no discharge) ☐ Unknown, please advise
Application type: ☐ New Permit ☐ Permit Reissuance ☒ Permit Modification
If this NOI is submitted for Permit Modification or Reissuance provide the existing permit tracking number: **SOPC00128**

OPERATION IDENTIFICATION

Operation Name: Mike & Patty Henry	County: Marion
Operation Location/ Physical Address: 275 Vandergriff Rd Whitwell, TN 37397	Latitude: 35° 12' N
	Longitude: 85° 27' W
Name and distance to nearest receiving water(s):	
If any other State or Federal Water/Wastewater Permits have been obtained for this site, list those permit numbers:	
Animal Type: <input checked="" type="checkbox"/> Poultry <input type="checkbox"/> Swine <input type="checkbox"/> Dairy <input type="checkbox"/> Beef <input type="checkbox"/> Other _____	
Number of Animals: 87,000	Number of Barns: 3
Name of Integrator: Koch Foods, Inc.	
Type of Animal Waste Management: (check all that apply)	<input checked="" type="checkbox"/> Dry <input type="checkbox"/> Liquid <input type="checkbox"/> Liquid, Closed System (i.e. covered tank, under barn pit, etc.)
Attach the NMP <input checked="" type="checkbox"/> NMP Attached	Attach the closure plan <input type="checkbox"/> Closure Plan Attached
Attach a topographic map <input checked="" type="checkbox"/> Map Attached	

PERMITTEE IDENTIFICATION

Official Contact (applicant): Mike Henry	Title or Position: Owner / Operator			<input checked="" type="checkbox"/> Correspondence <input checked="" type="checkbox"/> Invoice
Mailing Address: 431 Anderson Ferry Rd	City: Mount Joy	State: PA	Zip: 17552	
Phone number(s): (717)348-5883	E-mail: mhenry@pa.net			
Optional Contact:	Title or Position:			<input type="checkbox"/> Correspondence <input type="checkbox"/> Invoice
Address:	City:	State:	Zip:	
Phone number(s):	E-mail:			

APPLICATION CERTIFICATION AND SIGNATURE (must be signed in accordance with the requirements of Rule 1200-4-5-.05)

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name and title; print or type Mike Henry Owner/Operator	Signature 	Date 12/01/2011
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STATE USE ONLY

Received Date 12/01/2011	Reviewer	EFO	T & E Aquatic Fauna	Tracking No.
	Impaired Receiving Stream	High Quality Water		NOC Date

bing Maps

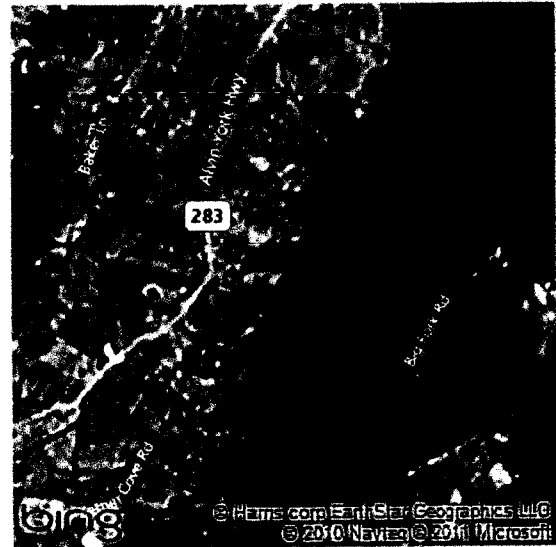
275 Vandergriff Rd
Whitwell, TN 37397

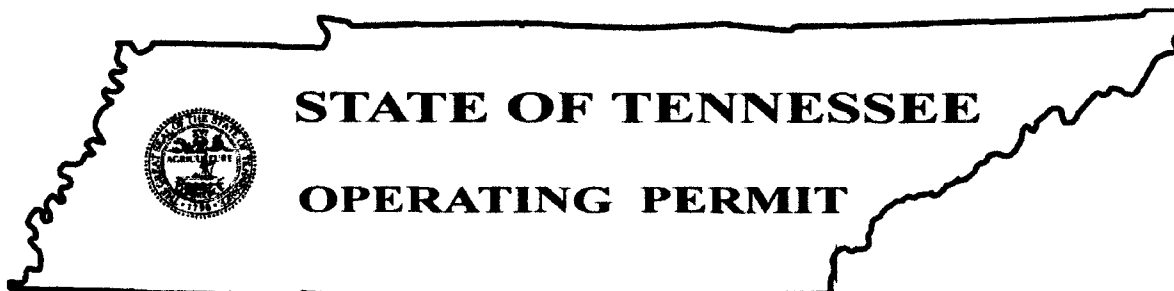
On the go? Use m.bing.com to find maps, directions, businesses, and more.

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TN Division of Water
Pollution Control





Permit Tracking No. SOPC00128

**Notice of Coverage
For
General State Operating Permit for Concentrated Animal Feeding Operations (CAFOs),
Permit Number SOPC00000**

Issued By
Tennessee Department of Environment and Conservation
Division of Water Pollution Control
401 Church Street
6th Floor, I. & C Annex
Nashville, Tennessee 37243

In accordance with the provisions of Tennessee Code Annotated Section 69-3-108 and regulations promulgated pursuant thereto:

Permittee: Anthony B. Morrison
is authorized: to operate a concentrated animal feeding operation that does not discharge and that is not designed, constructed, operated or maintained such that a discharge could occur
from a facility with: 87,000 animals (Poultry-Broilers) grown for Koch Foods
located at: 275 Vandergriff Road in Whitwell, Marion County, Tennessee

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This notice of coverage shall become effective on: **October 20, 2011**

And shall expire on: **May 31, 2015**

Issuance date: **October 20, 2011**



Paul E. Davis, Director
Division of Water Pollution Control



Tennessee Department of Environment and Conservation,
Division of Water Pollution Control
401 Church Street, 6th Floor L & C Annex, Nashville, TN 37243
(615) 532-0625

**CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)
STATE OPERATING PERMIT (SOP)
NOTICE OF INTENT (NOI)**

Type of permit you are requesting: ☒ SOPCD0000 (designed to discharge) ☐ SOPC00000 (no discharge) ☐ Unknown, please advise
Application type: ☐ New Permit ☒ Permit Reissuance ☐ Permit Modification
If this NOI is submitted for Permit Modification or Reissuance provide the existing permit tracking number: _____

OPERATION IDENTIFICATION

Operation Name: A+L Farm (TNA000075)		County: Marion
Operation Location/ Physical Address: 275 Vandergriff Rd Whitwell TN. 37397		Latitude: 35.209767 Longitude: -85.458611
Name and distance to nearest receiving water(s):		
If any other State or Federal Water/Wastewater Permits have been obtained for this site, list those permit numbers:		
Animal Type:	<input checked="" type="checkbox"/> Poultry <input type="checkbox"/> Swine <input type="checkbox"/> Dairy <input type="checkbox"/> Beef <input type="checkbox"/> Other _____	
Number of Animals: 87,000	Number of Barns: 3	Name of Integrator: Koch food
Type of Animal Waste Management: (check all that apply)	<input checked="" type="checkbox"/> Dry <input type="checkbox"/> Liquid <input type="checkbox"/> Liquid, Closed System (i.e. covered tank, under barn pit, etc.)	
Attach the NMP	<input checked="" type="checkbox"/> NMP Attached	Attach the closure plan <input checked="" type="checkbox"/> Closure Plan Attached : Attach a topographic map <input checked="" type="checkbox"/> Map Attached

PERMITTEE IDENTIFICATION

Official Contact (applicant): Anthony B. Morrison		Title or Position: Owner/operator		<input checked="" type="checkbox"/> Correspondence <input checked="" type="checkbox"/> Invoice	
Mailing Address: 275 Vandergriff Rd	City: Whitwell	State: TN.	Zip: 37397		
Phone number(s): 423-658-0292	E-mail: AndyLisaMorrison@myway.com				
Optional Contact:		Title or Position:		<input type="checkbox"/> Correspondence <input type="checkbox"/> Invoice	
Address:		City:	State:		Zip:
Phone number(s):		E-mail:			

APPLICATION CERTIFICATION AND SIGNATURE (must be signed in accordance with the requirements of Rule 1200-4-5-.05)

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name and title, print or type: Anthony Morrison Owner/operator	Signature: <i>Anthony Morrison</i>	Date: 5-17-2011
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STATE USE ONLY

Reviewer	EFO	T & E Aquatic Fauna	Tracking No
Impaired Receiving Stream	High Quality Water	NOI Date	

ANNUAL REPORT

Operation Name: *AtL Farm*

Date Submitted: *5-17-2011*

1. Number and types of animals on site.	Types: <i>Broiler</i>	Number: <i>87,000</i>
2. Estimated amount of litter, compost and/or process wastewater generated in the previous calendar year.	Amount: <i>548 TONS</i>	
3. Estimated amount of litter, compost and/or process wastewater transferred to a 3rd party in the previous calendar year.	Amount Transferred: <i>548 TONS</i>	
4. Total number of acres for land application covered by the nutrient management plan.	Acres: <i>67 Acres</i>	
5. Total number of acres under control of the landowner that were used for land application of litter and compost in the previous calendar year.	Acres: <i>0</i>	
6. Summary of all litter, compost and/or process wastewater discharges to waters of the state from the production area that have occurred in the previous calendar year, include date, time and approximate volume.	Date:	Time: Volume:
7. The current version of the Comprehensive Nutrient Management Plan was developed and/or approved by a certified nutrient management planner.	Yes/No: <i>0</i> Comments:	
<p>I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.</p> <p>Signed Name: <i>[Signature]</i> Date: <i>5-17-2011</i></p>		
<p>Mail a completed form to the following agencies:</p> <p>Tennessee Department of Environment and Conservation Division of Water Pollution Control 6th Floor L&C Annex, 401 Church Street Nashville, TN 37243 and Tennessee Department of Agriculture Ellington Agricultural Center P.O. Box 40627 Nashville, TN 37204</p>		

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DE-08-2011

May 18 2011

Nutrient Management Plan - Poultry

For Use by Farms

Exporting 100% of Litter Generated

1. Farmer/ Producer Information

Is ALL Litter Hauled Offsite*

*If the answer is "No," do not complete this form.

Yes	No
Please circle one	

First Name:

Anthony

Last Name:

Morrison

Farm/ Operation Name:

A+L Farm

Tennessee County:

Marion

2. Volumes and Calculations

Poultry Type:

Broiler	Pullet	Layer
circle the type(s)		

Key

Number of birds per house
A per grow-out:

29,000

The amount of litter removed from a poultry house will vary depending on the litter moisture content, type and size of birds, and length of time birds are kept in house. Below is a Table summarized from the NRCS Poultry System Calculator V10.0 to assist in placing the litter amount produced per bird and assist in litter calculations.

B Number of Houses:

3

C Number of Grow-Outs / Year:

6

Average Weight of Litter
Produced (lbs.)/ Bird / Grow-
Out (see Table at right or use
your farm average if known)

2.1

Type of Bird	Market/ Mature Weight (lbs)	Avg. Weight of Litter Produced (lbs)/ Bird / Grow-Out
Broilers	small (3.8 - 5.8)	2.1
	large (5.9 - 7+)	2.4
	8 - 12	8
Pullet	5.5	3

Take **Bolded** Letters in Key Column Above and Below to Assist in Calculating Values Below

Number of Birds per Grow-Out = A x B =

872,000

Number of Birds Example: If A = 22,000 and B = 2 and C = 5.5 then:

22,000 x 2 = 44,000 number of birds

KEY

E Number of Birds per Year = A x B x C =

5,232,000

Number of Birds per Year Example: If A = 22,000 and B = 2 and C = 5.5 then:

22,000 x 2 x 5.5 = 242,000 number of birds per year

Total Tons of Litter Produced per Year on the Farm = E x D / 2,000 =

541.0

Tons of Litter Produced Example: If E = 242,000 and D = 2.1 lbs. then:

242,000 x 2.1 lbs = 508,200 lbs. / 2,000 = 254 Tons

Tons of Litter Exported from Farm / Year

541.0

AGRICULTURAL DIAGNOSTIC LABORATORY
UNIVERSITY OF ARKANSAS - FAYETTEVILLE

***MANURE FOR FERTILIZER ANALYSIS (report for AGRI-429)

Name:	A & L FARMS/ANTHONY MORRISON	Received in lab:	5/20/2011
Address:	275 VANDERGRIF RD	Mailed:	5/26/2011
City:	WHITWELL	State, Zip:	TN 37397
County:	MARION	CK#:	3948

Lab. No.	M10874					
Sample No.	NONE GIVEN					
Animal type	broilers					
-age/lbs	4.25 lbs					
Bedding type	none given					
Manure type	cleanout					
Sample date	5/17/2011					
Age of manure	4 months					
pH	7.9					
EC(umhos/cm)	14810					
% H2O	18.00					

-on dry basis-

Total %N	3.96					
Total %P	1.56					
Total %K	3.38					
Total %Ca	3.52					
Total %Carbon	35.38					
NO3-N, mg/kg						
NH4-N, mg/kg						

-on as-is basis-

Total %N	3.25					
Total %P	1.28					
Total %K	2.77					
Total %Ca	2.89					
Total %Carbon	29.01					
NO3-N, mg/kg						
NH4-N, mg/kg						

-lbs/ton on as-is basis-

N	65.0					
P2O5	58.6					
K2O	67.0					
Ca	57.8					
Total Carbon	580.2					
NO3-N						
NH4-N						

***all analyses performed on "as-is" basis/ "dry" basis is calculated from moisture content

*lbs/ton P2O5 = %Total P on "as-is" basis multiplied by 20*2.29

*lbs/ton K2O = %Total K on "as-is" basis multiplied by 20*1.2

ANTHONY MORRISON

5/26/2011

AGRICULTURAL DIAGNOSTIC LABORATORY
UNIVERSITY OF ARKANSAS - FAYETTEVILLE

751-486-1111